

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6357

BILL NUMBER: HB 1043

NOTE PREPARED: Feb 9, 2009

BILL AMENDED: Feb 9, 2009

SUBJECT: Use of Mini-Trucks.

FIRST AUTHOR: Rep. Wolkins

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill:

- (1) authorizes the use of mini-trucks on Indiana roads;
- (2) prohibits the operation of a mini-truck on an interstate or state highway;
- (3) requires a mini-truck that is operated on a highway to be titled and registered;
- (4) requires a dealer of mini-trucks to register as a dealer; and
- (5) makes conforming amendments.
- (6) prohibits a vehicle from operation on a highway with a sign or label on the vehicle indicating that the owner or operator of the vehicle is not responsible for damages from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle; and
- (7) provides that a sign or label that is affixed to a vehicle does not condition or limit the civil liability of the owner or operator for damages resulting from the contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.

Effective Date: Upon passage; July 1, 2009.

Explanation of State Expenditures: Requiring a mini-truck to be titled and registered by the Bureau of Motor Vehicles (BMV) can be handled through the current registration and titling process and will not

require additional expenditures on the part of the BMV. The fund affected is the Motor Vehicle Highway Account, which supports the BMV.

Background Information: In CY 2007, the BMV issued 2,000,000 titles and registered approximately 6,000,000 vehicles.

Explanation of State Revenues: Requiring a dealer of mini-trucks to register as a dealer will mean additional revenue, the amount of which will depend upon the number of dealers. Funds from dealer licensing are distributed to the Motor Vehicle Highway Account, the BMV, the State Police, and the Attorney General.

Penalty Provision: If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: Under current law, vehicles that are registered with the BMV for operation on public ways are subject to the motor vehicle excise tax. If the mini-trucks are registered under this bill, then the owners would pay excise tax. Motor vehicle excise tax revenue is distributed to local civil taxing units and school corporations. The number of mini-trucks that would be registered is not currently known. The amount of additional excise tax revenue would depend on the number, age, and value of the newly registered vehicles.

Penalty Provision: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: BMV; State Police; Attorney General.

Local Agencies Affected: Local civil taxing units and school corporations; Trial courts, local law enforcement agencies.

Information Sources: Dollyne Sherman, BMV, 317-233-0216.

Fiscal Analyst: James Sperlik, 317-232-9866; Bob Sigalow, 317-232-9859.